

**ORDINANCE PROHIBITING THE USE, PURCHASE, POSSESSION,  
DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC  
CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS**

**WHEREAS**, the Mayor and Board of Aldermen of the City of Saltillo, Mississippi, have determined that certain businesses within the City of Saltillo, Mississippi, are selling certain substances that have been treated with chemicals which have not been approved for human consumption and which, when ingested, produce intoxicating effects similar to THC or marijuana and/or Methcathinone; and

**WHEREAS**, the substances described below are not yet categorized as illegal controlled substances under state or federal law; and

**WHEREAS**, the products so treated as marked as "not for human consumption", however, they are being packaged, marketed, sold, and used by citizens as an alternative to marijuana and other controlled substances and are potentially dangerous to users; and

**WHEREAS**, marketing efforts have made it clear that the actual intended use of these products is for ingestion for the intoxicating effects, with such names as "Fake Weed", "Mr. Smiley", "Proze Smoke", etc.; and

**WHEREAS**, clinical studies such as the THC Pharm study reported on December 15, 2008, and the Zimmerman, Winkelmann, Pilhatsch, Nees, Spanagel, and Schulz testing (reported as "Withdrawal Phenomena, and Dependence Syndrome After Consumption of 'Spice Gold'") have confirmed the existence of the addition of synthetic cannabinoids to these products, as well as their potency and deleterious effect upon the health of those consuming these products; and

**WHEREAS**, based upon these scientific studies as well as other scientific studies and reports, alerts, and warnings from various local, state, federal, and international law enforcement officials and agencies, it has been determined that the effects of these substances are a threat to the health, welfare, safety and well being of the citizens of the City of Saltillo, Mississippi; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Saltillo, Mississippi, have determined the need to exercise municipal police powers

of the City by establishing regulations preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sell or publicly display for sale any one or more of the chemicals identified herein, and the products that contain them within the city limits of the City of Saltillo, Mississippi; and therefore adopt the following regulations and penalties related thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SALTILLO, MISSISSIPPI, AS FOLLOWS:**

**Section 1.** That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the City of Saltillo Board of Aldermen.

**Section 2. Prohibition**

1. No person shall use, possess, purchase, distribute, sell or attempt to use, possess, purchase, distribute or sell or publicly display for sale any one or more of the following chemicals, either alone or in combination with other legal or illegal substances, within the city limits of the City of Saltillo, Mississippi:

- a. 1-Pentyl-3-(1-naphthoyl) indole (IUPAC name: Naphthalen-1-yl-(1-pentylindol-3-yl)methanone) which is sometimes marketed under the name JWH-018/spice, or other names;
- b. 1-Butyl-3-(1-naphthoyl) indole (IUPAC name: naphthalen-1-yl-(1-butylindol-3-yl) methanone) which is sometimes marketed under the name JWH-073, or other names;
- c. 1-(3-(trifluoromethylphenyl))piperazine (IUPAC name) which is sometimes marketed under the name TFMPP, or other names;
- d. 4-methoxymethcathione and Ethylcathinone; 3,4-methylenedioxypropylone and related analogs and CP-47,497 and related homologs (also seen in spice), such as C6, C8, and C9;
- e. Or any structural analogs similar to those listed above, including but not limited to synthetic cannabinoids.

2. If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.

3. It shall not be an offense under Paragraph 1 above of this Ordinance if a person shall be acting at the direction of an authorized agent of the City of Saltillo, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale or the attempt to use, possess, purchase, distribute or sell or publicly display for sale the aforementioned substances.

4. This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation or anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

5. Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisoned in the county jail not to exceed six (6) months or both.

**Section 3. Severability, Conflict, Effective Date, and Publication & Recording**

(A) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(B) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Saltillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(C) Effective Date. This ordinance is necessary for the immediate and temporary preservation of the public peace, health, welfare and safety of the City of Saltillo due to the unchecked use of these substances, particularly by juveniles, therefore, this ordinance shall become effective immediately if adopted by unanimous vote of all member of the Board of Aldermen, or in thirty days otherwise, but shall in any event be published as provided by law. It shall be spread on the minutes of the City of Saltillo Board of Aldermen.

(D) Publication & Recording. The City Clerk is instructed to publish this ordinance one time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

**Section 4. Adoption and Certification**

**UPON MOTION** of Alderman Scott Knight \_\_\_\_\_, duly seconded by Alderman Jewell Webb \_\_\_\_\_, the aforesaid ordinance was put to a vote with Aldermen voting as follows:

ALDERMEN VOTING "YEA": 5 (five)

ALDERMEN VOTING "NAY": 0 (zero)

ALDERMEN ABSENT OR NOT VOTING:

**ORDAINED AND ADOPTED** this the 17<sup>th</sup> day of August, 2010, at the Regular Meeting of the Mayor and Board of Aldermen of the City of Slatillo, Mississippi.



\_\_\_\_\_  
BILL WILLIAMS, Mayor  
City of Slatillo, Mississippi  
Mississippi



\_\_\_\_\_  
MARY PARKER, City Clerk  
City of Slatillo,



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their Regular Meeting on August 17, 2010 and appears in Minute Book 2 at pages 195.